

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1150 OF 2007

IN

C.R.NO.I-484 OF 2006

Smt.Sushila Ramesh Desavare ..Applicant

Vs.

State of Maharashtra &Anr. ..Respondents

Mr.A.A.Suryawanshi advocate for applicant
Mr.K.V.Saste A.P.P. for the State

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : APRIL 17, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in C.R.No.I-484 of 2006 of Ambernath Police Station, Dist.Thane. The said case is mainly under Sections 420, 467, 406 and 468 of IPC.

3. It is the prosecution case that the accused is in habit of cheating various people and taking money from them on various pretexts. The complainant has stated that the present applicant

promised to get him a job in State Bank of India and for that purpose she took from him Rs.1.5 lakh. However, thereafter, she did not secure job for him. Hence, the complainant asked for return of his money. Whereupon, only amount of Rs.10,000/- was returned by the present applicant. As far Rs.1.4 lakh is concerned, a cheque was given. However, the said cheque was dishonoured.

4. The learned advocate for the applicant has submitted that this is a clear case of an offence under Section 138 of Negotiable Instruments Act and the complainant ought to have proceeded under Section 138 of Negotiable Instruments Act. However, with malafide intention, the complainant has lodged this complaint under various sections of IPC.

5. As far as this aspect is concerned, it is seen that the applicant has not cheated just the complainant but she has cheated seven other persons i.e. one Dinkar was cheated in the amount of Rs.80,000/-, Amit Mahajan was cheated in the amount of Rs.1,50,000/-, Jagannath was cheated in the amount of Rs.1,00,000/-, Ganesh was cheated in the

amount of Rs.1,00,000/- and Adesh was cheated in the amount of Rs.1,25,000/-. Amit Mahajan has stated that the applicant told him that she would secure a job for him as sepoy in Mahadeo Upadhyay High School, Vikhroli and for that purpose, she took Rs.1,20,000/- from Amit Mahajan. However, Amit Mahajan did not get said job. Hence, he started making enquiry with the applicant. Thereafter, the applicant told him that she would secure a job for him as Clerk in Siddharth Vidyalaya. For the said purpose, she demanded an additional amount of Rs.30,000/-. Amit Mahajan gave her the said amount. However, Amit Mahajan did not get any job in the said Vidyalaya. Thereafter, Amit Mahajan told the applicant to return his money. Thereupon, she gave him a cheque of Rs.5,000/-. However, the said cheque was dishonoured. The applicant thereafter gave him a letter from the Income Tax Department which purported to be a call letter in the name of Amit Mahajan for appointment as sepoy in the Income Tax Department. During the investigation, it was found that the said letter was forged. Thus, the applicant has also made use of forged documents in order to cheat various persons and this case is not

restricted only to a case under Section 138 of Negotiable Instruments Act.

6. The learned counsel for the applicant has submitted that the custody of the applicant is not necessary as all the cheques and other documents have been seized by the police. However, it is seen that investigation has revealed that seven persons have been cheated by the applicant. It appears that applicant is in the habit of cheating people. In such case, the custody of the applicant would be necessary to find out the nature and extent of this racket and to find out other persons who have been similarly cheated by the applicant. In this view of the matter, I do not think that this is a fit case to grant anticipatory bail.

7. Application is rejected.

[Smt.V.K.Tahilramani, J.]